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Attorneys for Defendants
Smosh Dot Com, Inc. d/b/a Smosh,
and Mythical Entertainment, LLC

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KRISTEN HALL, *on behalf of herself*
and all others similarly situated

Plaintiff,

vs.

SMOSH DOT COM, INC. d/b/a SMOSH,
and MYTHICAL ENTERTAINMENT,
LLC,

Defendants.

) Case No.: 2:21-cv-01997-JAM-AC

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1 Defendants Smosh Dot Com, Inc. and Mythical Entertainment, Inc.
2 (collectively, “Defendants”) respectfully request that the Court reconsider its order
3 of March 18, 2022, dismissing Defendants’ Motion to Dismiss (the “Motion”). [Dkt
4 26].

5 The Court dismissed the Motion on the basis that Defendants did not meet and
6 confer with Plaintiff prior to filing the Motion, as required by the Court’s order of
7 October 29, 2021 (“Order re Filing Requirements”). [Dkt. 5-2].

8 On October 29, 2021, the Court ordered Plaintiff to serve the Order re Filing
9 Requirements on Defendants and to file a certificate reflecting such service. [Dkt. 5].

10 In violation of the Court’s order, Plaintiff failed to serve the Order re Filing
11 Requirements on Defendants, and therefore did not (and could not) file a certificate
12 reflecting such service.

13 Consequently, Defendants were not provided notice of the Court’s meet and
14 confer requirements prior to filing their Motion, and should be relieved from such
15 obligation, as (1) Defendants did not have notice of the meet and confer obligation,
16 (2) dismissal of the Motion will delay adjudication of the Motion and reward
17 Plaintiff for failing to comply with its obligation to serve the Order re Filing
18 Requirements upon Defendants, and (3) counsel for the parties have previously
19 discussed the merits of the case.

20 For all the foregoing reasons, Defendants respectfully request that the Court
21 reconsider its order and allow Defendants’ Motion to proceed as scheduled.

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23 Dated: March 21, 2022

NOLAN HEIMANN LLP

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25 By: 

Jordan Susman

26 Attorneys for Defendants
27 Smosh Dot Com, Inc. d/b/a Smosh,
28 and Mythical Entertainment, LLC